a dedication without the necessities of a common law grant. It is rather a declaration of his, which he is not allowed to deny, that he shall be indictable at the hands of whom it may concern.

In this light, dedication seems unilateral; yet, since some form of acceptance by the public is necessary to make the dedicator's act irrevocable it is not entirely unilateral.

LIABILITY OF CORPORATIONS TO EXEMPLARY DAMAGES FOR THE TORTS OF THEIR AGENTS. — One of the worst abuses in the working of the rule as to exemplary damages has received a salutary check in a recent decision of the Supreme Court of the United States (*Lake Shore & M. S. Ry. Co.* v. *Prentice*, 13 S. C. Rep. 261). To many lawyers the justice of punishing a defendant criminally without allowing him a trial in accordance with the criminal law, has never appeared perfectly obvious. The whole principle of "smart money" seems to many an unnecessary and illogical survival of the times when the jury were sole arbiters of the amount of damages as well as of the facts. But whatever the true theory may be, the practice of giving punitive damages in cases of aggravated tort is now in most jurisdictions too firmly established to be overturned. The essence and justification of the practice is in the convenient punishment which it inflicts upon flagrant wrongdoers. Compensation is all that the plaintiff is ever entitled to ask; but it may not be inexpedient to make the defendant "smart" for his wanton or oppressive conduct; and if the plaintiff reaps the benefit of this punishment, — why, so much the better for him. Now, as the whole object of the rule is the punishment of the defendant, it is altogether clear that the rule should be applied only in cases where the defendant has himself been guilty of some outrageous act. Accordingly, it has long been the better opinion that a master is not liable in exemplary damages for injuries resulting from the acts of his servant, unless the criminal intent, which alone warrants the imposition of such damages, can be brought home specifically to him (*The Amiable Nancy*, 3 Wheat. 546). The plaintiff must be fully compensated; but there is no reason in law or in the nature of things why the master should be punished like a criminal for acts which he did not do and could not prevent. It would seem naturally to follow that corporations are not to be held liable in punitive damages for the oppressive conduct of servants whom they have not been negligent in choosing, and whose acts they neither authorized nor approved. Nevertheless, many courts, which do not require the individual principal to pay more than compensation for the injurious acts of his servant, do hold the shareholders of corporations, and especially of railway corporations, liable to be fined in the discretion of a jury for evil designs which they never entertained. The reason for this anomalous extension of an anomalous rule appears to be a lively distrust of corporations in general, and of railway corporations in particular. We are told in a leading case on this subject (*Goddard* v. *G. T. Ry. Co.*, 57 Me. 202) that "all attempts to distinguish between the guilt of the servant and the guilt of the corporation, or the malice of the servant and the malice of the corporation, is sheer nonsense, and only tends to confuse the mind and confound the judgment." By way of complete and crushing answer to the objection that this policy results in punishing the innocent for the sins of the guilty, it is said that "if those who are in the habit of think-

ing that it is a terrible hardship to punish an innocent corporation for the wickedness of its agents and servants, will for a moment reflect upon the absurdity of their own thoughts, their anxiety will be cured. Careful engineers can be selected who will not run their trains into open draws; and careful baggage-men can be secured who will not handle and smash trunks and bandboxes, as is now the universal custom; and conductors and brakemen can be had who will not assault and insult passengers; and if the courts will only let the verdicts of upright and intelligent juries alone, and let the doctrine of exemplary damages have its legitimate influence, we predict these great and growing evils will be very much lessened, if not entirely cured. There is but one vulnerable point about these existences called corporations, — and that is, the pocket of the moneyed power that is concealed behind them; and if that is reached, they will wince." This learned judge, who would put an end to all the evils of mankind with the noble weapon of exemplary damages, is conclusively answered in the careful and convincing opinion of Mr. Justice Gray in the principal case. A passenger on the Lake Shore Road, who had been inexcusably maltreated, but not physically injured, by the conductor of the train on which he was travelling, brought an action against the corporation in the Circuit Court, claiming exemplary damages. There was no pretence that the conductor was known to his employers as an unsuitable person for his position, or that they countenanced or approved his acts in any way. The jury were nevertheless charged that they might give punitive damages, and the plaintiff obtained the enormous verdict of $10,000. This sum was subsequently reduced to $6,000, on the plaintiff's motion. The defendant then sued out its writ of error. Mr. Justice Gray reviews the authorities with much care, pointing out that exemplary damages are given, "not by way of compensation to the sufferer, but by way of punishment to the offender," and that therefore an individual principal cannot be held liable for exemplary damages "merely by reason of wanton, oppressive, and malicious intent on the part of the agent." "The rule," he continues, "has the same application to corporations as to individuals. This court has often, in cases of this class, as well as in other cases, affirmed the doctrine that for acts done by the agents of a corporation, in the course of its business and of their employment, the corporation is responsible in the same manner and to the same extent as an individual is responsible under similar circumstances." This position seems impregnable.

Libellous Matter. — Another decision has been added to the already perplexing mass of authority on defamation. In *Buckstaff* v. *Viall*, 54 N. W. Rep. 111, the complaint alleges that the defendant, who was the sole owner and publisher of the "Oshkosh Times," maliciously published an editorial on the plaintiff, who was State senator from the senatorial district of which Oshkosh was the natural centre, to the following effect. He is addressed as "Divine Senator," "Mighty Being," "Omnipotence," — appellations which on their face might impute divinity and its consequent virtues, but which also "may mean," as the court says, "that he is vain, self-conceited, pompous, self-aggrandizing, and assumes a despotic and god-like character above his constituents and all other men." Further, he is called "Senator Bucksniff," "His Majesty Bucksniff," "Dearly beloved Bucksniff;" and this recurring epithet of "Bucksniff," while the plaintiff's name was Buckstaff, seems to be the gravamen of the charge.